

**BILL****SECTION 101**

1 efforts with respect to the parent to make it possible for the juvenile to return safely  
2 to his or her home.

3 **SECTION 102.** 938.21 (5) (c) of the statutes is created to read:

4 938.21 (5) (c) The judge or juvenile court commissioner shall make the findings  
5 specified in par. (b) 1. and 3. on a case-by-case basis based on circumstances specific  
6 to the juvenile and shall document or reference the specific information on which  
7 those findings are based in the custody order. A custody order that merely references  
8 par. (b) 1. or 3. without documenting or referencing that specific information in the  
9 custody order or an amended custody order that retroactively corrects an earlier  
10 custody order that does not comply with this paragraph is not sufficient to comply  
11 with this paragraph.

12 **SECTION 103.** 938.21 (5) (d) of the statutes is created to read:

13 938.21 (5) (d) 1. If the judge or juvenile court commissioner finds that any of  
14 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
15 parent, the judge or juvenile court commissioner shall hold a hearing within 30 days  
16 after the date of that finding to determine the permanency plan for the juvenile. If  
17 a hearing is held under this subdivision, the agency responsible for preparing the  
18 permanency plan shall file the permanency plan with the court not less than 5 days  
19 before the date of the hearing.

20 2. If a hearing is held under subd. 1, at least 10 days before the date of the  
21 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
22 of the juvenile, and any foster parent, treatment foster parent, or other physical  
23 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
24 the hearing.

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1           3. The court shall give a foster parent, treatment foster parent, or other  
2     physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.  
3     2. an opportunity to be heard at the hearing by permitting the foster parent,  
4     treatment foster parent, or other physical custodian to make a written or oral  
5     statement during the hearing, or to submit a written statement prior to the hearing,  
6     relevant to the issues to be determined at the hearing. Any written or oral statement  
7     made under this subdivision shall be made upon oath or affirmation. A foster parent,  
8     treatment foster parent, or other physical custodian who receives a notice of a  
9     hearing under subd. 2. and an opportunity to be heard under this subdivision does  
10    not become a party to the proceeding on which the hearing is held solely on the basis  
11    of receiving that notice and opportunity to be heard.

12           **SECTION 104.** 938.255 (1) (f) of the statutes is created to read:

13           938.255 (1) (f) If the juvenile is being held in custody outside of his or her home,  
14    reliable and credible information showing that continued placement of the juvenile  
15    in his or her home would be contrary to the welfare of the juvenile and, unless any  
16    of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, reliable and  
17    credible information showing that the person who took the juvenile into custody and  
18    the intake worker have made reasonable efforts to prevent the removal of the  
19    juvenile from the home, while assuring that the juvenile's health and safety are the  
20    paramount concerns, and to make it possible for the juvenile to return safely home.

21           **SECTION 105.** 938.255 (2) of the statutes is amended to read:

22           938.255 (2) If any of the facts in sub. (1) (a) to (cm) and (f) are not known or  
23    cannot be ascertained by the petitioner, the petition shall so state.

24           **SECTION 106.** 938.27 (3) (a) 1m. of the statutes is amended to read:

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1           938.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,  
2           or other physical custodian described in s. 48.62 (2) who is notified of a hearing under  
3           subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,  
4           treatment foster parent, or other physical custodian to make a written or oral  
5           statement during the hearing, or to submit a written statement prior to the hearing,  
6           relevant to the issues to be determined at the hearing. Any written or oral statement  
7           made under this subdivision shall be made upon oath or affirmation. A foster parent,  
8           treatment foster parent, or other physical custodian described in s. 48.62 (2) who  
9           receives a notice of a hearing under subd. 1. and an opportunity to be heard under  
10          this subdivision does not become a party to the proceeding on which the hearing is  
11          held solely on the basis of receiving that notice and opportunity to be heard.

12          **SECTION 107.** 938.315 (2m) of the statutes is created to read:

13          938.315 (2m) No continuance or extension of a time limit specified in this  
14          chapter may be granted and no period of delay specified in sub. (1) may be excluded  
15          in computing a time requirement under this chapter if the continuance, extension,  
16          or exclusion would result in any of the following:

17          (a) The court making an initial finding under s. 938.21 (5) (b) 1., 938.355 (2) (b)  
18          6., or 938.357 (2v) (a) 1. that reasonable efforts have been made to prevent the  
19          removal of the juvenile from the home, while assuring that the juvenile's health and  
20          safety are the paramount concerns, or an initial finding under s. 938.21 (5) (b) 3.,  
21          938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not required to be  
22          made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4. applies, more  
23          than 60 days after the date on which the juvenile was removed from the home.

24          (b) The court making an initial finding under s. 938.38 (5m) that the agency  
25          primarily responsible for providing services to the juvenile has made reasonable

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1 efforts to achieve the goals of the juvenile's permanency plan more than 12 months  
2 after the date on which the juvenile was removed from the home or making any  
3 subsequent findings under s. 938.38 (5m) as to those reasonable efforts more than  
4 12 months after the date of a previous finding as to those reasonable efforts.

5 **SECTION 108.** 938.32 (1) (c) of the statutes is created to read:

6 938.32 (1) (c) 1. If at the time the consent decree is entered into the juvenile  
7 is placed outside the home under a voluntary agreement under s. 48.63 or is  
8 otherwise living outside the home without a court order and if the consent decree  
9 maintains the juvenile in that placement or other living arrangement, the consent  
10 decree shall include a finding that placement of the juvenile in his or her home would  
11 be contrary to the welfare of the juvenile, a finding as to whether the county  
12 department or the agency primarily responsible for providing services to the juvenile  
13 has made reasonable efforts to prevent the removal of the juvenile from the home,  
14 while assuring that the juvenile's health and safety are the paramount concerns,  
15 unless the judge or juvenile court commissioner finds that any of the circumstances  
16 specified in s. 938.355 (2d) (b) 1. to 4. applies, and a finding as to whether the county  
17 department or agency has made reasonable efforts to achieve the goal of the  
18 juvenile's permanency plan, unless return of the juvenile to the home is the goal of  
19 the permanency plan and the judge or juvenile court commissioner finds that any of  
20 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

21 2. If the judge or juvenile court commissioner finds that any of the  
22 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
23 the consent decree shall include a determination that the county department or  
24 agency primarily responsible for providing services under the consent decree is not

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1 required to make reasonable efforts with respect to the parent to make it possible for  
2 the juvenile to return safely to his or her home.

3 3. The judge or juvenile court commissioner shall make the findings specified  
4 in subds. 1. and 2. on a case-by-case basis based on circumstances specific to the  
5 juvenile and shall document or reference the specific information on which those  
6 findings are based in the consent decree. A consent decree that merely references  
7 subd. 1. or 2. without documenting or referencing that specific information in the  
8 consent decree or an amended consent decree that retroactively corrects an earlier  
9 consent decree that does not comply with this subdivision is not sufficient to comply  
10 with this subdivision.

11 **SECTION 109.** 938.32 (1) (d) of the statutes is created to read:

12 938.32 (1) (d) 1. If the judge or juvenile court commissioner finds that any of  
13 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
14 parent, the judge or juvenile court commissioner shall hold a hearing within 30 days  
15 after the date of that finding to determine the permanency plan for the juvenile. If  
16 a hearing is held under this subdivision, the agency responsible for preparing the  
17 permanency plan shall file the permanency plan with the court not less than 5 days  
18 before the date of the hearing.

19 2. If a hearing is held under subd. 1., at least 10 days before the date of the  
20 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
21 of the juvenile, and any foster parent, treatment foster parent, or other physical  
22 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
23 the hearing.

24 3. The court shall give a foster parent, treatment foster parent, or other  
25 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.

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1 2. an opportunity to be heard at the hearing by permitting the foster parent,  
2 treatment foster parent, or other physical custodian to make a written or oral  
3 statement during the hearing, or to submit a written statement prior to the hearing,  
4 relevant to the issues to be determined at the hearing. Any written or oral statement  
5 made under this subdivision shall be made upon oath or affirmation. A foster parent,  
6 treatment foster parent, or other physical custodian who receives a notice of a  
7 hearing under subd. 2. and an opportunity to be heard under this subdivision does  
8 not become a party to the proceeding on which the hearing is held solely on the basis  
9 of receiving that notice and opportunity to be heard.

10 **SECTION 110.** 938.33 (4) (intro.) of the statutes is amended to read:

11 938.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
12 placement in a foster home, treatment foster home, group home, or nonsecured child  
13 caring institution or in the home of a relative other than a parent shall be in writing,  
14 except that the report may be presented orally at the dispositional hearing if all  
15 parties consent. A report that is presented orally shall be transcribed and made a  
16 part of the court record. The report shall include all of the following:

17 **SECTION 111.** 938.33 (4) (c) of the statutes is created to read:

18 938.33 (4) (c) Specific information showing that continued placement of the  
19 juvenile in his or her home would be contrary to the welfare of the juvenile, specific  
20 information showing that the county department or the agency primarily  
21 responsible for providing services to the juvenile has made reasonable efforts to  
22 prevent the removal of the juvenile from the home, while assuring that the juvenile's  
23 health and safety are the paramount concerns, unless any of the circumstances  
24 specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific information showing that  
25 the county department or agency has made reasonable efforts to achieve the goal of

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1 the juvenile's permanency plan, unless return of the juvenile to the home is the goal  
2 of the permanency plan and any of the circumstances specified in s. 938.355 (2d) (b)  
3 1. to 4. applies.

4 **SECTION 112.** 938.335 (3g) of the statutes is created to read:

5 938.335 (3g) At hearings under this section, if the agency, as defined in s.  
6 938.38 (1) (a), is recommending placement of the juvenile in a foster home, treatment  
7 foster home, group home, or child caring institution or in the home of a relative other  
8 than a parent, the agency shall present as evidence specific information showing that  
9 continued placement of the juvenile in his or her home would be contrary to the  
10 welfare of the juvenile, specific information showing that the county department or  
11 the agency primarily responsible for providing services to the juvenile has made  
12 reasonable efforts to prevent the removal of the juvenile from the home, while  
13 assuring that the juvenile's health and safety are the paramount concerns, unless  
14 any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, and specific  
15 information showing that the county department or agency has made reasonable  
16 efforts to achieve the goal of the juvenile's permanency plan, unless return of the  
17 juvenile to the home is the goal of the permanency plan and any of the circumstances  
18 specified in s. 938.355 (2d) (b) 1. to 4. applies.

19 **SECTION 113.** 938.355 (1) of the statutes is amended to read:

20 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall  
21 decide on a placement and treatment finding based on evidence submitted to the  
22 1court. The disposition shall employ those means necessary to promote the  
23 objectives specified in s. 938.01. ~~If the disposition places a juvenile who has been~~  
24 ~~adjudicated delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall~~  
25 ~~include a finding that the juvenile's current residence will not safeguard the welfare~~

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1 of the juvenile or the community due to the serious nature of the act for which the  
2 juvenile was adjudicated delinquent. If the judge has determined that any of the  
3 conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, that determination shall  
4 be prima facie evidence that a less restrictive alternative than placement in a  
5 secured correctional facility, a secured child caring institution, or a secured group  
6 home is not appropriate. If information under s. 938.331 has been provided in a court  
7 report under s. 938.33 (1), the court shall consider that information when deciding  
8 on a placement and treatment finding.

9 <sup>or</sup>  
10 <sup>or (4d)</sup> SECTION 114. 938.355 (2) (b) 6. of the statutes is amended to read:

10 938.355 (2) (b) 6. If the juvenile is placed outside the home and if sub. (2d) does  
11 not apply, the court's, a finding that continued placement of the juvenile in his or her  
12 home would be contrary to the welfare of the juvenile or, if the juvenile has been  
13 adjudicated delinquent and is placed outside the home under s. 938.34 (3) (a), (c), or  
14 (d), a finding that the juvenile's current residence will not safeguard the welfare of  
15 the juvenile or the community due to the serious nature of the act for which the  
16 juvenile was adjudicated delinquent. The court order shall also contain a finding as  
17 to whether -a- the county department which provides social services or the agency  
18 primarily responsible for providing services under a court order has made reasonable  
19 efforts to prevent the removal of the juvenile from the home, while assuring that the  
20 juvenile's health and safety are the paramount concerns, or, if applicable, the court's  
21 unless the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 4.  
22 applies, and a finding as to whether the county department or agency primarily  
23 responsible for providing services under a court order has made reasonable efforts  
24 to make it possible for the juvenile to return safely to his or her home achieve the goal  
25 of the juvenile's permanency plan, unless return of the juvenile to the home is the



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1 goal of the permanency plan and the court finds that any of the circumstances  
2 specified in sub. (2d) (b) 1. to 4. applies. The court shall make the findings specified  
3 in this subdivision on a case-by-case basis based on circumstances specific to the  
4 juvenile and shall document or reference the specific information on which those  
5 findings are based in the court order. A court order that merely references this  
6 subdivision without documenting or referencing that specific information in the  
7 court order or an amended court order that retroactively corrects an earlier court  
8 order that does not comply with this subdivision is not sufficient to comply with this  
9 subdivision.

10 **SECTION 115.** 938.355 (2) (b) 6r. of the statutes is created to read:

11 938.355 (2) (b) 6r. If the court finds that any of the circumstances specified in  
12 sub. (2d) (b) 1. to 4. applies with respect to a parent, a determination that the county  
13 department or agency primarily responsible for providing services under the court  
14 order is not required to make reasonable efforts with respect to the parent to make  
15 it possible for the juvenile to return safely to his or her home.

16 **SECTION 116.** 938.355 (2b) of the statutes is amended to read:

17 938.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county  
18 department ~~that provides social services~~ or the agency primarily responsible for  
19 providing services to a juvenile under a court order may, at the same time as the  
20 county department or agency is making the reasonable efforts required under sub.  
21 (2) (b) 6. to prevent the removal of the juvenile from the home or to make it possible  
22 for the juvenile to return safely to his or her home, work with the department of  
23 health and family services, a county department under s. 48.57 (1) (e) or (hm), or a  
24 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place

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1 the juvenile for adoption, with a guardian, with a fit and willing relative, or in some  
2 other alternative permanent placement.

3 **SECTION 117.** 938.355 (2c) (b) of the statutes is amended to read:

4 938.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether  
5 the county department or the agency primarily responsible for providing services to  
6 the juvenile under a court order has made reasonable efforts to ~~make it possible for~~  
7 ~~the juvenile to return safely to his or her home~~ achieve the goal of the permanency  
8 plan, the court's consideration of reasonable efforts shall include, ~~but not be limited~~  
9 ~~to~~, the considerations listed under par. (a) 1. to 5. and whether visitation schedules  
10 between the juvenile and his or her parents were implemented, unless visitation was  
11 denied or limited by the court.

12 **SECTION 118.** 938.355 (2d) (b) (intro.) of the statutes is amended to read:

13 938.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court ~~need not is~~  
14 not required to include in a dispositional order a finding as to whether ~~a~~ the county  
15 department ~~which provides social services~~ or the agency primarily responsible for  
16 providing services under a court order has made reasonable efforts with respect to  
17 a parent of a juvenile to prevent the removal of the juvenile from the home, while  
18 assuring that the juvenile's health and safety are the paramount concerns, or, if  
19 applicable, a finding as to whether the county department or agency primarily  
20 ~~responsible for providing services under a court order~~ has made reasonable efforts  
21 with respect to a parent of a juvenile to ~~make it possible for the juvenile to return~~  
22 achieve the permanency plan goal of returning the juvenile safely to his or her home,  
23 if the court finds, ~~as evidenced by a final judgment of conviction~~, any of the following:

24 **SECTION 119.** 938.355 (2d) (b) 1. of the statutes is amended to read:

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1           938.355 (2d) (b) 1. That the parent has subjected the juvenile to aggravated  
2           circumstances, as evidenced by a final judgment of conviction.

3           **SECTION 120.** 938.355 (2d) (b) 2. of the statutes is amended to read:

4           938.355 (2d) (b) 2. That the parent has committed, has aided or abetted the  
5           commission of, or has solicited, conspired, or attempted to commit, a violation of s.  
6           940.01, 940.02, 940.03, or 940.05 or a violation of the law of any other state or federal  
7           law, if that violation would be a violation of s. 940.01, 940.02, 940.03, or 940.05 if  
8           committed in this state, as evidenced by a final judgment of conviction, and that the  
9           victim of that violation is a child of the parent.

10          **SECTION 121.** 938.355 (2d) (b) 3. of the statutes is amended to read:

11          938.355 (2d) (b) 3. That the parent has committed a violation of s. 940.19 (2),  
12          (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.03 (2) (a) or (3) (a)  
13          or a violation of the law of any other state or federal law, if that violation would be  
14          a violation of s. 940.19 (2), (3), (4), or (5), 940.225 (1) or (2), 948.02 (1) or (2), 948.025,  
15          or 948.03 (2) (a) or (3) (a) if committed in this state, as evidenced by a final judgment  
16          of conviction, and that the violation resulted in great bodily harm, as defined in s.  
17          939.22 (14), or in substantial bodily harm, as defined in s. 939.22 (38), to the juvenile  
18          or another child of the parent.

19          **SECTION 122.** 938.355 (2d) (b) 4. of the statutes is amended to read:

20          938.355 (2d) (b) 4. That the parental rights of the parent to another child have  
21          been involuntarily terminated, as evidenced by a final order of a court of competent  
22          jurisdiction terminating those parental rights.

23          **SECTION 123.** 938.355 (2d) (bm) of the statutes is created to read:

24          938.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 4.  
25          on a case-by-case basis based on circumstances specific to the juvenile and shall

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document or reference the specific information on which that finding is based in the dispositional order. A dispositional order that merely references par. (b) 1. to 4. without documenting or referencing that specific information in the dispositional order or an amended dispositional order that retroactively corrects an earlier dispositional order that does not comply with this paragraph is not sufficient to comply with this paragraph.

**SECTION 124.** 938.355 (2d) (c) of the statutes is renumbered 938.355 (2d) (c) 1. and amended to read:

938.355 (2d) (c) 1. If the court ~~makes a finding~~ finds that any of the circumstances specified in par. (b) 1., ~~2., 3., or 4.~~ to 4. applies with respect to a parent, the court shall hold a hearing within 30 days after the date of that finding to determine the permanency plan for the juvenile. If a hearing is held under this ~~paragraph subdivision~~, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.

**SECTION 125.** 938.355 (2d) (c) 2. and 3. of the statutes are created to read:

938.355 (2d) (c) 2. If a hearing is held under subd. 1, at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

3. The court shall give a foster parent, treatment foster parent, or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent, treatment foster parent, or other physical custodian to make a written or oral

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1 statement during the hearing, or to submit a written statement prior to the hearing,  
2 relevant to the issues to be determined at the hearing. Any written or oral statement  
3 made under this subdivision shall be made upon oath or affirmation. A foster parent,  
4 treatment foster parent, or other physical custodian who receives a notice of a  
5 hearing under subd. 2. and an opportunity to be heard under this subdivision does  
6 not become a party to the proceeding on which the hearing is held solely on the basis  
7 of receiving that notice and opportunity to be heard.

8 **SECTION 126.** 938.355 (4) (a) of the statutes is amended to read:

9 938.355 (4) (a) Except as provided under par. (b) or s. 938.368, all orders an  
10 order under this section shall terminate at the end of one year unless the court  
11 specifies a shorter period of time. Except if s. 938.368 applies, extensions or revisions  
12 or s. 938.357 or 938.365 made before the juvenile reaches 18 years of age that places  
13 or continues the placement of the juvenile in his or her home shall terminate at the  
14 end of one year after its entry unless the court specifies a shorter period of time. No  
15 extension under s. 938.365 of an original dispositional order may be granted for a  
16 juvenile who is subject to an order under s. 938.34 (4d), (4h), (4m) or (4n) if the  
17 juvenile is 17 years of age or older when the original dispositional order terminates.  
18 Any order made before the juvenile reaches the age of majority shall be effective for  
19 a time up to one year after its entry unless the court specifies a shorter period of time  
20 or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368,  
21 an order under this section or s. 938.357 or 938.365 made before the juvenile reaches  
22 18 years of age that places or continues the placement of the juvenile in a foster home,  
23 treatment foster home, group home, or child caring institution or in the home of a  
24 relative other than a parent shall terminate when the juvenile reaches 18 years of  
25 age, at the end of one year after its entry, or, if the juvenile is a full-time student at

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1 a secondary school or its vocational or technical equivalent and is reasonably  
2 expected to complete the program before reaching 19 years of age, when the juvenile  
3 reaches 19 years of age, whichever is later, unless the court specifies a shorter period  
4 of time or the court terminates the order sooner.

5 **SECTION 127.** 938.355 (4) (b) of the statutes is amended to read:

6 938.355 (4) (b) ~~An order under s. 938.34 (4d), (4h) or (4m) for which a juvenile~~  
7 ~~has been adjudicated delinquent is subject to par. (a), except that the judge may make~~  
8 Except as provided in s. 938.368, an order under s. 938.34 (4d) or (4m) made before  
9 the juvenile reaches 18 years of age may apply for up to 2 years after its entry or until  
10 the juvenile's 18th birthdate, whichever is earlier and the judge shall make, unless  
11 the court specifies a shorter period of time or the court terminates the order sooner.  
12 Except as provided in s. 938.368, an order under s. 938.34 (4h) made before the  
13 juvenile reaches 18 years of age shall apply for 5 years after its entry, if the juvenile  
14 is adjudicated delinquent for committing an act that would be punishable as a  
15 Class B felony if committed by an adult, or until the juvenile reaches 25 years of age,  
16 if the juvenile is adjudicated delinquent for committing an act that would be  
17 punishable as a Class A felony if committed by an adult. Except as provided in s.  
18 938.368, an extension of an order under s. 938.34 (4d), (4h), (4m), or (4n) made before  
19 the juvenile reaches 17 years of age shall terminate at the end of one year after its  
20 entry unless the court specifies a shorter period of time or the court terminates the  
21 order sooner. No extension under s. 938.365 of an original dispositional order under  
22 s. 938.34 (4d), (4h), (4m), or (4n) may be granted for a juvenile who is 17 years of age  
23 or older when the original dispositional order terminates.

24 **SECTION 128.** 938.355 (6) (a) of the statutes is amended to read:

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1           938.355 (6) (a) If a juvenile who has been adjudged delinquent or to have  
2           violated a civil law or ordinance, other than an ordinance enacted under s. 118.163  
3           (1m) or (2), violates a condition specified in sub. (2) (b) 7., the court may impose on  
4           the juvenile any of the sanctions specified in par. (d) if, at the dispositional hearing  
5           under s. 938.335, the court explained the conditions to the juvenile and informed the  
6           juvenile of those possible sanctions or if before the violation the juvenile has  
7           acknowledged in writing that he or she has read, or has had read to him or her, those  
8           conditions and possible sanctions and that he or she understands those conditions  
9           and possible sanctions. If a juvenile who has been found to be in need of protection  
10          or services under s. 938.13 (4), (6m), (7), (12), or (14) violates a condition specified in  
11          sub. (2) (b) 7., the court may impose on the juvenile any of the sanctions specified in  
12          par. (d), other than placement in a secure detention facility or juvenile portion of a  
13          county jail, if, at the dispositional hearing under s. 938.335, the court explained the  
14          conditions to the juvenile and informed the juvenile of those possible sanctions or if  
15          before the violation the juvenile has acknowledged in writing that he or she has read,  
16          or has had read to him or her, those conditions and possible sanctions and that he or  
17          she understands those conditions and possible sanctions.

18          ~~(cm)~~ The court may not order the sanction of placement in a place of nonsecure  
19          custody specified in par. (d) 1. unless the court finds that the agency primarily  
20          responsible for providing services for the juvenile has made reasonable efforts to  
21          prevent the removal of the juvenile from his or her home and that continued  
22          placement of the juvenile in his or her home is contrary to the welfare of the juvenile.  
23          The court shall make the findings specified in this paragraph on a case-by-case basis  
24          based on circumstances specific to the juvenile and shall document or reference the  
25          specific information on which that finding is based in the sanction order. A sanction

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1 order that merely references this paragraph without documenting or referencing  
2 that specific information in the sanction order or an amended sanction order that  
3 retroactively corrects an earlier sanction order that does not comply with this  
4 paragraph is not sufficient to comply with this paragraph.

5 **SECTION 129.** 938.355 (6m) (cm) of the statutes is created to read:

6 938.355 (6m) (cm) The court may not order the sanction of placement in a place  
7 of nonsecure custody specified in par. (a) 1g. unless the court finds that the agency  
8 primarily responsible for providing services for the juvenile has made reasonable  
9 efforts to prevent the removal of the juvenile from his or her home and that continued  
10 placement of the juvenile in his or her home is contrary to the welfare of the juvenile.  
11 The court shall make the findings specified in this paragraph on a case-by-case basis  
12 based on circumstances specific to the juvenile and shall document or reference the  
13 specific information on which that finding is based in the sanction order. A sanction  
14 order that merely references this paragraph without documenting or referencing  
15 that specific information in the sanction order or an amended sanction order that  
16 retroactively corrects an earlier sanction order that does not comply with this  
17 paragraph is not sufficient to comply with this paragraph.

18 **SECTION 130.** 938.357 (1) of the statutes is renumbered 938.357 (1) (a) and  
19 amended to read:

20 938.357 (1) (a) The person or agency primarily responsible for implementing  
21 the dispositional order or the district attorney may request a change in the  
22 placement of the juvenile, whether or not the change requested is authorized in the  
23 dispositional order and, as provided in par. (b) or (c), whichever is applicable.

24 (b) 1. If the proposed change in placement involves any change in placement  
25 other than a change in placement specified in par. (c), the person or agency primarily



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## SECTION 130

1 responsible for implementing the dispositional order or the district attorney shall  
2 cause written notice of the proposed change in placement to be sent to the juvenile  
3 or the juvenile's counsel or guardian ad litem, the parent, guardian, and legal  
4 custodian of the juvenile, and any foster parent, treatment foster parent, or other  
5 physical custodian described in s. 48.62 (2), guardian and legal custodian of the  
6 juvenile. The notice shall contain the name and address of the new placement, the  
7 reasons for the change in placement, a statement describing why the new placement  
8 is preferable to the present placement, and a statement of how the new placement  
9 satisfies objectives of the treatment plan ordered by the court.

10 2. Any person receiving the notice under ~~this subsection~~ subd. 1. or notice of  
11 the specific foster or treatment foster placement under s. 938.355 (2) (b) 2. may obtain  
12 a hearing on the matter by filing an objection with the court within 10 days after  
13 receipt of the notice. Placements ~~shall~~ may not be changed until 10 days after such  
14 notice is sent to the court unless the parent, guardian, or legal custodian and the  
15 juvenile, if 12 or more years of age, sign written waivers of objection, except that  
16 ~~placement changes which~~ changes in placement that were authorized in the  
17 dispositional order may be made immediately if notice is given as required ~~in this~~  
18 ~~subsection~~ under subd. 1. In addition, a hearing is not required for placement  
19 changes authorized in the dispositional order ~~except where~~ when an objection filed  
20 by a person who received notice alleges that new information is available ~~which~~ that  
21 affects the advisability of the court's dispositional order.

22 SECTION 131. 938.357 (1) (b) 3. of the statutes is created to read:

23 938.357 (1) (b) 3. If the court changes the juvenile's placement from a  
24 placement outside the home to another placement outside the home, the change in  
25 placement order shall contain one of the statements specified in sub. (2v) (a) 2.

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1           **SECTION 132.** 938.357 (1) (c) of the statutes is created to read:

2           938.357 (1) (c) 1. If the proposed change in placement would change the  
3 placement of a juvenile placed in the home to a placement outside the home, the  
4 person or agency primarily responsible for implementing the dispositional order or  
5 the district attorney shall submit a request for the change in placement to the court.  
6 The request shall contain the name and address of the new placement, the reasons  
7 for the change in placement, a statement describing why the new placement is  
8 preferable to the present placement, and a statement of how the new placement  
9 satisfies objectives of the treatment plan ordered by the court. The request shall also  
10 contain specific information showing that continued placement of the juvenile in his  
11 or her home would be contrary to the welfare of the juvenile and, unless any of the  
12 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information  
13 showing that the agency primarily responsible for implementing the dispositional  
14 order has made reasonable efforts to prevent the removal of the juvenile from the  
15 home, while assuring that the juvenile's health and safety are the paramount  
16 concerns.

17           2. The court shall hold a hearing prior to ordering any change in placement  
18 requested under subd. 1. Not less than 3 days prior to the hearing, the court shall  
19 provide notice of the hearing, together with a copy of the request for the change in  
20 placement, to the juvenile, the parent, guardian, and legal custodian of the juvenile,  
21 and all parties that are bound by the dispositional order. If all parties consent, the  
22 court may proceed immediately with the hearing.

23           3. If the court changes the juvenile's placement from a placement in the  
24 juvenile's home to a placement outside the juvenile's home, the change in placement  
25 order shall contain the findings specified in sub. (2v) (a) 1., one of the statements

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## SECTION 132

1 specified in sub. (2v) (a) 2., and, if in addition the court finds that any of the  
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
3 the determination specified in sub. (2v) (a) 3.

4 **SECTION 133.** 938.357 (2) of the statutes is amended to read:

5 938.357 (2) If emergency conditions necessitate an immediate change in the  
6 placement of a juvenile placed outside the home, the person or agency primarily  
7 responsible for implementing the dispositional order may remove the juvenile to a  
8 new placement, whether or not authorized by the existing dispositional order,  
9 without the prior notice provided in sub. (1) (b) 1. The notice shall, however, be sent  
10 within 48 hours after the emergency change in placement. Any party receiving  
11 notice may demand a hearing under sub. (1) (b) 2. In emergency situations, the  
12 juvenile may be placed in a licensed public or private shelter care facility as a  
13 transitional placement for not more than 20 days, as well as in any placement  
14 authorized under s. 938.34 (3).

15 **SECTION 134.** 938.357 (2m) of the statutes is renumbered 938.357 (2m) (a) and  
16 amended to read:

17 938.357 (2m) (a) The juvenile, the parent, guardian, or legal custodian of the  
18 juvenile, or any person or agency primarily bound by the dispositional order, other  
19 than the person or agency responsible for implementing the order, may request a  
20 change in placement under this ~~subsection~~ paragraph. The request shall contain the  
21 name and address of the place of the new placement requested and shall state what  
22 new information is available ~~which~~ that affects the advisability of the current  
23 placement. If the proposed change in placement would change the placement of a  
24 juvenile placed in the home to a placement outside the home, the request shall also  
25 contain specific information showing that continued placement of the juvenile in the

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1 home would be contrary to the welfare of the juvenile and, unless any of the  
2 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, specific information  
3 showing that the agency primarily responsible for implementing the dispositional  
4 order has made reasonable efforts to prevent the removal of the juvenile from the  
5 home, while assuring that the juvenile's health and safety are the paramount  
6 concerns. This request shall be submitted to the court. In addition, the court may  
7 propose a change in placement on its own motion.

8 (b) The court shall hold a hearing on the matter prior to ordering any change  
9 in placement under this subsection requested or proposed under par. (a) if the  
10 request states that new information is available ~~which~~ that affects the advisability  
11 of the current placement, unless the requested or proposed change in placement  
12 involves any change in placement other than a change in placement of a juvenile  
13 placed in the home to a placement outside the home and written waivers of objection  
14 to the proposed change in placement are signed by all parties entitled to receive  
15 notice under sub. (1) (b) 1. and the court approves. If a hearing is scheduled, the court  
16 shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile,  
17 any foster parent, treatment foster parent, or other physical custodian described in  
18 s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order  
19 at least 3 days prior to the hearing. A copy of the request or proposal for the change  
20 in placement shall be attached to the notice. If all the parties consent, the court may  
21 proceed immediately with the hearing.

22 **SECTION 135.** 938.357 (2m) (c) of the statutes is created to read:

23 938.357 (2m) (c) If the court changes the juvenile's placement from a placement  
24 in the juvenile's home to a placement outside the juvenile's home, the change in  
25 placement order shall contain the findings specified in sub. (2v) (a) 1., one of the

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1 statements specified in sub. (2v) (a) 2., and, if in addition the court finds that any of  
2 the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a  
3 parent, the determination specified in sub. (2v) (a) 3.

4 **SECTION 136.** 938.357 (2r) of the statutes is amended to read:

5 938.357 (2r) If a hearing is held under sub. (1) (b) 2. or (2m) (b) and the change  
6 in placement would remove a juvenile from a foster home, treatment foster home, or  
7 other placement with a physical custodian described in s. 48.62 (2), the court shall  
8 give the foster parent, treatment foster parent, or other physical custodian described  
9 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster  
10 parent, treatment foster parent, or other physical custodian to make a written or oral  
11 statement during the hearing or to submit a written statement prior to the hearing  
12 relating to the juvenile and the requested change in placement. Any written or oral  
13 statement made under this subsection shall be made under oath or affirmation. A  
14 foster parent, treatment foster parent, or other physical custodian described in s.  
15 48.62 (2) who receives notice of a hearing under sub. (1) (b) 1. or (2m) (b) and an  
16 opportunity to be heard under this subsection does not become a party to the  
17 proceeding on which the hearing is held solely on the basis of receiving that notice  
18 and opportunity to be heard.

19 **SECTION 137.** 938.357 (2v) of the statutes, as created by 2001 Wisconsin Act 16,  
20 is renumbered 938.357 (2v) (a) 2. and amended to read:

21 938.357 (2v) (a) 2. If ~~a hearing is held under sub. (1) or (2m) and the change~~  
22 ~~in placement would place the juvenile outside the home in a placement order would~~  
23 change the placement of the juvenile to a placement outside the home recommended  
24 by the person or agency primarily responsible for implementing the dispositional  
25 order, ~~the change in placement order shall include whether from a placement in the~~

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1 home or from another placement outside the home, a statement that the court  
2 approves the placement recommended by the person or agency or, if the juvenile is  
3 placed outside the home in a placement other than change in placement order would  
4 change the placement of the juvenile to a placement outside the home that is not a  
5 placement recommended by that person or agency, whether from a placement in the  
6 home or from another placement outside the home, a statement that the court has  
7 given bona fide consideration to the recommendations made by that person or agency  
8 and all parties relating to the juvenile's placement.

9 **SECTION 138.** 938.357 (2v) (a) (intro.) of the statutes is created to read:

10 938.357 (2v) (a) (intro.) A change in placement order under sub. (1) or (2m)  
11 shall contain all of the following:

12 **SECTION 139.** 938.357 (2v) (a) 1. of the statutes is created to read:

13 938.357 (2v) (a) 1. If the court changes the juvenile's placement from a  
14 placement in the juvenile's home to a placement outside the juvenile's home, a  
15 finding that continued placement of the juvenile in his or her home would be contrary  
16 to the health, safety, and welfare of the juvenile and, unless a circumstance specified  
17 in s. 938.355 (2d) (b) 1. to 4. applies, a finding that the agency primarily responsible  
18 for implementing the dispositional order has made reasonable efforts to prevent the  
19 removal of the juvenile from the home, while assuring that the juvenile's health and  
20 safety are the paramount concerns.

21 **SECTION 140.** 938.357 (2v) (a) 3. of the statutes is created to read:

22 938.357 (2v) (a) 3. If the court finds that any of the circumstances specified in  
23 s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, a determination that the  
24 agency primarily responsible for providing services under the change in placement

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1 order is not required to make reasonable efforts with respect to the parent to make  
2 it possible for the juvenile to return safely to his or her home.

3 **SECTION 141.** 938.357 (2v) (b) of the statutes is created to read:

4 938.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and  
5 3. on a case-by-case basis based on circumstances specific to the juvenile and shall  
6 document or reference the specific information on which those findings are based in  
7 the change in placement order. A change in placement order that merely references  
8 par. (a) 1. or 3. without documenting or referencing that specific information in the  
9 change in placement order or an amended change in placement order that  
10 retroactively corrects an earlier change in placement order that does not comply with  
11 this paragraph is not sufficient to comply with this paragraph.

12 **SECTION 142.** 938.357 (2v) (c) of the statutes is created to read:

13 938.357 (2v) (c) 1. If the court finds under par. (a) 3. that any of the  
14 circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent,  
15 the court shall hold a hearing within 30 days after the date of that finding to  
16 determine the permanency plan for the juvenile. If a hearing is held under this  
17 paragraph, the agency responsible for preparing the permanency plan shall file the  
18 permanency plan with the court not less than 5 days before the date of the hearing.

19 2. If a hearing is held under subd. 1, at least 10 days before the date of the  
20 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
21 of the juvenile, and any foster parent, treatment foster parent, or other physical  
22 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
23 the hearing.

24 3. The court shall give a foster parent, treatment foster parent, or other  
25 physical custodian described in s. 48.62 (2) who is notified of a hearing under subd.

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1 2. an opportunity to be heard at the hearing by permitting the foster parent,  
2 treatment foster parent, or other physical custodian to make a written or oral  
3 statement during the hearing, or to submit a written statement prior to the hearing,  
4 relevant to the issues to be determined at the hearing. Any written or oral statement  
5 made under this subdivision shall be made upon oath or affirmation. A foster parent,  
6 treatment foster parent, or other physical custodian who receives a notice of a  
7 hearing under subd. 2. and an opportunity to be heard under this subdivision does  
8 not become a party to the proceeding on which the hearing is held solely on the basis  
9 of receiving that notice and opportunity to be heard.

10 **SECTION 143.** 938.357 (3) of the statutes is amended to read:

11 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in  
12 placement would involve placing a juvenile in a secured correctional facility, a  
13 secured child caring institution, or a secured group home, notice shall be given as  
14 provided in sub. (1) (b) 1. A hearing shall be held, unless waived by the juvenile,  
15 parent, guardian, and legal custodian, before the judge makes a decision on the  
16 request. The juvenile shall be entitled to counsel at the hearing, and any party  
17 opposing or favoring the proposed new placement may present relevant evidence and  
18 cross-examine witnesses. The proposed new placement may be approved only if the  
19 judge finds, on the record, that the conditions set forth in s. 938.34 (4m) have been  
20 met.

21 **SECTION 144.** 938.357 (4) (b) 2. of the statutes, as affected by 2001 Wisconsin  
22 Act 16, is amended to read:

23 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 child  
24 caring institution under s. 938.34 (4d) violates a condition of his or her placement in  
25 the Type 2 child caring institution, the child welfare agency operating the Type 2



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1 child caring institution shall notify the county department that has supervision over  
2 the juvenile and, if the county department agrees to a change in placement under this  
3 subdivision, the child welfare agency shall notify the department, and the  
4 department, after consulting with the child welfare agency, may place the juvenile  
5 in a Type 1 secured correctional facility under the supervision of the department,  
6 without a hearing under sub. (1) (b) 2., for not more than 10 days. If a juvenile is  
7 placed in a Type 1 secured correctional facility under this subdivision, the county  
8 department that has supervision over the juvenile shall reimburse the child welfare  
9 agency operating the Type 2 child caring institution in which the juvenile was placed  
10 at the rate established under s. 46.037, and that child welfare agency shall reimburse  
11 the department at the rate specified in s. 301.26 (4) (d) 2. or 3., whichever is  
12 applicable, for the cost of the juvenile's care while placed in a Type 1 secured  
13 correctional facility.

14 **SECTION 145.** 938.357 (4) (c) 1. of the statutes is amended to read:

15 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 secured correctional facility  
16 operated by a child welfare agency under par. (a) and it appears that a less restrictive  
17 placement would be appropriate for the juvenile, the department, after consulting  
18 with the child welfare agency that is operating the Type 2 secured correctional  
19 facility in which the juvenile is placed, may place the juvenile in a less restrictive  
20 placement, and may return the juvenile to the Type 2 secured correctional facility  
21 without a hearing under sub. (1) (b) 2. The child welfare agency shall establish a rate  
22 for each type of placement in the manner provided in s. 46.037.

23 **SECTION 146.** 938.357 (4) (c) 2. of the statutes is amended to read:

24 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 child caring institution under  
25 s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate

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1 for the juvenile, the child welfare agency operating the Type 2 child caring  
2 institution shall notify the county department that has supervision over the juvenile  
3 and, if the county department agrees to a change in placement under this  
4 subdivision, the child welfare agency may place the juvenile in a less restrictive  
5 placement. A child welfare agency may also, with the agreement of the county  
6 department that has supervision over a juvenile who is placed in a less restrictive  
7 placement under this subdivision, return the juvenile to the Type 2 child caring  
8 institution without a hearing under sub. (1) (b) 2. The child welfare agency shall  
9 establish a rate for each type of placement in the manner provided in s. 46.037.

10 **SECTION 147.** 938.357 (4) (d) of the statutes is amended to read:

11 938.357 (4) (d) The department may transfer a juvenile who is placed in a Type  
12 1 secured correctional facility to the Racine youthful offender correctional facility  
13 named in s. 302.01 if the juvenile is 15 years of age or over and the office of juvenile  
14 offender review in the department has determined that the conduct of the juvenile  
15 in the Type 1 secured correctional facility presents a serious problem to the juvenile  
16 or others. The factors that the office of juvenile offender review may consider in  
17 making that determination shall include, but are not limited to, whether and to what  
18 extent the juvenile's conduct in the Type 1 secured correctional facility is violent and  
19 disruptive, the security needs of the Type 1 secured correctional facility, and whether  
20 and to what extent the juvenile is refusing to cooperate or participate in the  
21 treatment programs provided for the juvenile in the Type 1 secured correctional  
22 facility. Notwithstanding sub. (1) (b) 2, a juvenile is not entitled to a hearing  
23 regarding the department's exercise of authority under this paragraph unless the  
24 department provides for a hearing by rule. A juvenile may seek review of a decision  
25 of the department under this paragraph only by the common law writ of certiorari.

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1 If the department transfers a juvenile under this paragraph, the department shall  
2 send written notice of the transfer to the parent, guardian, legal custodian and  
3 committing court.

4 **SECTION 148.** 938.357 (5) (a) of the statutes is amended to read:

5 938.357 (5) (a) The department or a county department, whichever has been  
6 designated as a juvenile's aftercare provider under s. 938.34 (4n), may revoke the  
7 aftercare status of that juvenile. Revocation of aftercare supervision shall not  
8 require prior notice under sub. (1) (b) 1.

9 **SECTION 149.** 938.357 (6) of the statutes is amended to read:

10 938.357 (6) No change in placement may extend the expiration date of the  
11 original order, except that if the change in placement is from a placement in the  
12 juvenile's home to a placement in a foster home, treatment foster home, group home,  
13 or child caring institution or in the home of a relative who is not a parent, the court  
14 may extend the expiration date of the original order to the date on which the juvenile  
15 reaches 18 years of age, to the date that is one year after the date of the change in  
16 placement order, or, if the juvenile is a full-time student at a secondary school or its  
17 vocational or technical equivalent and is reasonably expected to complete the  
18 program before reaching 19 years of age, to the date on which the juvenile reaches  
19 19 years of age, whichever is later, or for a shorter period of time as specified by the  
20 court. If the change in placement is from a placement in a foster home, treatment  
21 foster home, group home, or child caring institution or in the home of a relative to  
22 a placement in the juvenile's home and if the expiration date of the original order is  
23 more than one year after the date of the change in placement order, the court shall  
24 shorten the expiration date of the original order to the date that is one year after the  
25 date of the change in placement order or to an earlier date as specified by the court.

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1        **SECTION 150.** 938.365 (1) of the statutes is amended to read:

2        938.365 (1) In this section, a juvenile is considered to have been placed outside  
3        of his or her home on the date on which ~~the juvenile was first placed outside of his~~  
4        ~~or her home pursuant to an order under this section or s. 938.345, 938.357 or 938.363~~  
5        ~~or on the date that is 60 days after the date on which the juvenile was first removed~~  
6        ~~from his or her home, whichever is earlier.~~ ✓

7        **SECTION 151.** 938.365 (2g) (b) 2. of the statutes is amended to read:

8        938.365 (2g) (b) 2. An evaluation of the juvenile's adjustment to the placement  
9        and of any progress the juvenile has made, suggestions for amendment of the  
10       permanency plan, ~~a description of efforts to return the juvenile safely to his or her~~  
11       home and specific information showing the efforts that have been made to achieve  
12       the goal of the permanency plan, including, if applicable, the efforts of the parents  
13       to remedy the factors which that contributed to the juvenile's placement and, if  
14       continued placement outside of the juvenile's home is recommended, an explanation  
15       of why returning the juvenile to his or her home is not safe or feasible, unless return  
16       of the juvenile to the home is the goal of the permanency plan and any of the  
17       circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

the first 6 months of  
any period during  
which

18       **SECTION 152.** 938.365 (2g) (b) 3. of the statutes is amended to read:

19       938.365 (2g) (b) 3. If the juvenile has been placed outside of his or her home  
20       for 15 of the most recent 22 months, not including any period during which the  
21       juvenile was a runaway from the out-of-home placement or, the juvenile was  
22       returned to his or her home for a trial home visit ~~for 6 months or less~~ ✓, a statement of  
23       whether or not a recommendation has been made to terminate the parental rights  
24       of the parents of the juvenile. If a recommendation for a termination of parental  
25       rights has been made, the statement shall indicate the date on which the

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1 recommendation was made, any previous progress made to accomplish the  
2 termination of parental rights, any barriers to the termination of parental rights,  
3 specific steps to overcome the barriers and when the steps will be completed, reasons  
4 why adoption would be in the best interest of the juvenile and whether or not the  
5 juvenile should be registered with the adoption information exchange. If a  
6 recommendation for termination of parental rights has not been made, the  
7 statement shall include an explanation of the reasons why a recommendation for  
8 termination of parental rights has not been made. If the lack of appropriate adoptive  
9 resources is the primary reason for not recommending a termination of parental  
10 rights, the agency shall recommend that the juvenile be registered with the adoption  
11 information exchange or report the reason why registering the juvenile is contrary  
12 to the best interest of the juvenile.

13 **SECTION 153.** 938.365 (2m) (a) of the statutes is renumbered 938.365 (2m) (a)

14 1. and amended to read:

15 938.365 (2m) (a) 1. Any party may present evidence relevant to the issue of  
16 extension. If the juvenile is placed outside of his or her home, the person or agency  
17 primarily responsible for providing services to the juvenile shall present as evidence  
18 specific information showing that the agency has made reasonable efforts to achieve  
19 the goal of the juvenile's permanency plan, unless return of the juvenile to the home  
20 is the goal of the permanency plan and any of the circumstances specified in s.  
21 938.355 (2d) (b) 1. to 4. applies. The court shall make findings of fact and conclusions  
22 of law based on the evidence. ~~Subject to s. 938.355 (2d), the~~ The findings of fact shall  
23 include a finding as to whether reasonable efforts were made by the agency primarily  
24 responsible for providing services to the juvenile to ~~make it possible for the juvenile~~  
25 ~~to return safely to his or her home~~ achieve the goal of the juvenile's permanency plan.

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1 unless return of the juvenile to the home is the goal of the permanency plan and the  
2 court finds that any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4.  
3 applies. An order shall be issued under s. 938.355.

4 **SECTION 154.** 938.365 (2m) (a) 2. of the statutes is created to read:

5 938.365 (2m) (a) 2. If the court finds that any of the circumstances specified  
6 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the order shall include  
7 a determination that the person or agency primarily responsible for providing  
8 services to the juvenile is not required to make reasonable efforts with respect to the  
9 parent to make it possible for the juvenile to return safely to his or her home.

10 **SECTION 155.** 938.365 (2m) (a) 3. of the statutes is created to read:

11 938.365 (2m) (a) 3. The court shall make the findings specified in subd. 1.  
12 relating to reasonable efforts to achieve the goal of the juvenile's permanency plan  
13 and the findings specified in subd. 2. on a case-by-case basis based on circumstances  
14 specific to the juvenile and shall document or reference the specific information on  
15 which those findings are based in the order issued under s. 938.355. An order that  
16 merely references subd. 1. or 2. without documenting or referencing that specific  
17 information in the order or an amended order that retroactively corrects an earlier  
18 order that does not comply with this subdivision is not sufficient to comply with this  
19 subdivision.

20 **SECTION 156.** 938.365 (2m) (ad) of the statutes is created to read:

21 938.365 (2m) (ad) 1. If the court finds that any of the circumstances specified  
22 in s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the court shall hold a  
23 hearing within 30 days after the date of that finding to determine the permanency  
24 plan for the juvenile. If a hearing is held under this subdivision, the agency

**BILL****SECTION 156**

1 responsible for preparing the permanency plan shall file the permanency plan with  
2 the court not less than 5 days before the date of the hearing.

3 2. If a hearing is held under subd. 1., at least 10 days before the date of the  
4 hearing the court shall notify the juvenile, any parent, guardian, and legal custodian  
5 of the juvenile, and any foster parent, treatment foster parent, or other physical  
6 custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of  
7 the hearing.

8 **SECTION 157.** 938.365 (2m) (ag) of the statutes is amended to read:

9 938.365 (2m) (ag) ~~In addition to any evidence presented under par. (a), the~~ The  
10 court shall give a foster parent, treatment foster parent, or other physical custodian  
11 described in s. 48.62 (2) ~~of the juvenile~~ who is notified of a hearing under par. (ad)  
12 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster  
13 parent, treatment foster parent, or other physical custodian to make a written or oral  
14 statement during the hearing, or to submit a written statement prior to the hearing,  
15 relevant to the issue of extension. Any written or oral statement made under this  
16 paragraph shall be made under oath or affirmation. A foster parent, treatment foster  
17 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a  
18 hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this  
19 paragraph does not become a party to the proceeding on which the hearing is held  
20 solely on the basis of receiving that notice and opportunity to be heard.

21 **SECTION 158.** 938.365 (5) of the statutes is amended to read:

22 938.365 (5) Except as provided in s. 938.368, ~~all orders~~ an order under this  
23 section that continues the placement of a juvenile in his or her home or that extends  
24 an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time  
25 not to exceed one year after its date of entry. ~~Except as provided in s. 938.368, an~~

**BILL**

1 order under this section that continues the placement of a juvenile in a foster home,  
2 treatment foster home, group home, or child caring institution or in the home of a  
3 relative other than a parent shall be for a specified length of time not to exceed the  
4 date on which the juvenile reaches 18 years of age, one year after the date of entry  
5 of the order, or, if the juvenile is a full-time student at a secondary school or its  
6 vocational or technical equivalent and is reasonably expected to complete the  
7 program before reaching 19 years of age, the date on which the juvenile reaches 19  
8 years of age, whichever is later.

9 **SECTION 159.** 938.38 (2) (intro.) of the statutes is amended to read:

10 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),  
11 for each juvenile living in a foster home, treatment foster home, group home, child  
12 caring institution, secure detention facility, or shelter care facility or in the home of  
13 a relative other than a parent, the agency that placed the juvenile or arranged the  
14 placement or the agency assigned primary responsibility for providing services to the  
15 juvenile under s. 938.355 shall prepare a written permanency plan, if any of the  
16 following conditions exists:

17 **SECTION 160.** 938.38 (2) (c) of the statutes is amended to read:

18 938.38 (2) (c) The juvenile is under the supervision of an agency under s. 48.64  
19 (2) ~~or pursuant to, under a consent decree under s. 938.32 (1) (c), or under~~ a court  
20 order under s. 938.355.

21 **SECTION 161.** 938.38 (2) (f) of the statutes is amended to read:

22 938.38 (2) (f) The juvenile's care is ~~paid~~ would be paid for under s. 49.19 but  
23 for s. 49.19 (20).

24 **SECTION 162.** 938.38 (3) (intro.) of the statutes is amended to read:



**BILL****SECTION 162**

1           938.38 (3) TIME. (intro.) Subject to s. 938.355 (2d) (c) 1, the agency shall file  
2           the permanency plan with the court within 60 days after the date on which the  
3           juvenile was first ~~held in physical custody or placed outside of~~ removed from his or  
4           her home ~~under a court order~~, except under either of the following conditions:

5           **SECTION 163.** 938.38 (4) (intro.) of the statutes is amended to read:

6           938.38 (4) CONTENTS OF PLAN. (intro.) The permanency plan shall include ~~a~~  
7           ~~description of~~ all of the following:

8           **SECTION 164.** 938.38 (4) (a) of the statutes is renumbered 938.38 (4) (ar) and  
9           amended to read:

10          938.38 (4) (ar) ~~The~~ A description of the services offered and any service services  
11          provided in an effort to prevent holding or placing the juvenile outside of the removal  
12          of the juvenile from his or her home, while assuring that the health and safety of the  
13          juvenile are the paramount concerns, and to ~~make it possible for the juvenile to~~  
14          ~~return safely home, achieve the goal of the permanency plan,~~ except that the  
15          permanency plan ~~need not~~ is not required to include a description of ~~these the~~  
16          services offered or provided with respect to a parent of the juvenile to prevent the  
17          removal of the juvenile from the home or to achieve the permanency plan goal of  
18          returning the juvenile safely to his or her home if any of the circumstances specified  
19          in s. 938.355 (2d) (b) 1, ~~2, 3, or to~~ 4. apply to that parent.

20          **SECTION 165.** 938.38 (4) (ag) of the statutes is created to read:

21          938.38 (4) (ag) The name, address, and telephone number of the juvenile's  
22          parent, guardian, and legal custodian.

23          **SECTION 166.** 938.38 (4) (am) of the statutes is created to read:

24          938.38 (4) (am) The date on which the juvenile was removed from his or her  
25          home and the date on which the juvenile was placed in out-of-home care.

**BILL**

1           **SECTION 167.** 938.38 (4) (bm) of the statutes is amended to read:

2           938.38 (4) (bm) ~~The A statement as to the~~ availability of a safe and appropriate  
3 placement with a fit and willing relative of the juvenile and, if a decision is made not  
4 to place the juvenile with an available relative, a statement as to why placement with  
5 the relative is not safe or appropriate.

6           **SECTION 168.** 938.38 (4) (dg) of the statutes is created to read:

7           938.38 (4) (dg) Information about the juvenile's education, including all of the  
8 following:

9           1. The name and address of the school in which the juvenile is or was most  
10 recently enrolled.

11           2. Any special education programs in which the juvenile is or was previously  
12 enrolled.

13           3. The grade level in which the juvenile is or was most recently enrolled and  
14 all information that is available concerning the juvenile's grade level performance.

15           4. A summary of all available education records relating to the juvenile that are  
16 relevant to any education goals included in the education services plan prepared  
17 under s. 938.33 (1) (e).

18           **SECTION 169.** 938.38 (4) (dm) of the statutes is created to read:

19           938.38 (4) (dm) If as a result of the placement the juvenile has been or will be  
20 transferred from the school in which the juvenile is or most recently was enrolled,  
21 documentation that a placement that would maintain the juvenile in that school is  
22 either unavailable or inappropriate or that a placement that would result in the  
23 juvenile's transfer to another school would be in the juvenile's best interests.

24           **SECTION 170.** 938.38 (4) (dr) of the statutes is created to read:

**BILL****SECTION 170**

1           938.38 (4) (dr) Medical information relating to the juvenile, including all of the  
2 following:

3           1. The names and addresses of the juvenile's physician, dentist, and any other  
4 health care provider that is or was previously providing health care services to the  
5 juvenile.

6           2. The juvenile's immunization record, including the name and date of each  
7 immunization administered to the juvenile.

8           3. Any known medical condition for which the juvenile is receiving medical care  
9 or treatment and any known serious medical condition for which the juvenile has  
10 previously received medical care or treatment.

11           4. The name, purpose, and dosage of any medication that is being administered  
12 to the juvenile and the name of any medication that causes the juvenile to suffer an  
13 allergic or other negative reaction.

14           **SECTION 171.** 938.38 (4) (e) of the statutes is amended to read:

15           938.38 (4) (e) ~~The~~ A plan for ensuring the safety and appropriateness of the  
16 placement and a description of the services provided to meet the needs of the juvenile  
17 and family, including a discussion of services that have been investigated and  
18 considered and are not available or likely to become available within a reasonable  
19 time to meet the needs of the juvenile or, if available, why such services are not safe  
20 or appropriate.

21           **SECTION 172.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

22           938.38 (4) (f) (intro.) ~~The~~ A description of the services that will be provided to  
23 the juvenile, the juvenile's family, and the juvenile's foster parent, the juvenile's  
24 treatment foster parent ~~or~~, the operator of the facility where the juvenile is living.

**BILL** one or more of the following goals to be  
the goal or goals of a juvenile's permanency  
plan

or the relative with whom the juvenile is living to carry out the dispositional order,  
including services planned to accomplish all of the following:

**SECTION 173.** 938.38 (4) (fg) of the statutes is created to read:

938.38 (4) (fg) The goal of the permanency plan or, if the agency is making  
concurrent reasonable efforts under s. 938.355 (2b), the goals of the permanency  
plan, ~~in the order of preference specified in subds. 1. to 5.~~ If a goal of the permanency  
plan is any goal other than return of the juvenile to his or her home, the permanency  
plan shall include the rationale for deciding on that goal. If a goal of the permanency  
plan is an alternative permanent placement under subd. 5., the permanency plan  
shall document a compelling reason why it would not be in the best interest of the  
juvenile to pursue a goal specified in subds. 1. to 4. The agency shall determine ~~the~~  
~~goal or goals of a juvenile's permanency plan in the following order of preference.~~

1. Return of the juvenile to the juvenile's home.
2. Placement of the juvenile for adoption.
3. Placement of the juvenile with a guardian.
4. Permanent placement of the juvenile with a fit and willing relative.
5. Some other alternative permanent placement, including sustaining care,  
independent living, or long-term foster care.

**SECTION 174.** 938.38 (4) (fm) of the statutes is amended to read:

938.38 (4) (fm) If the goal of the permanency plan calls for placing is to place  
the juvenile for adoption, with a guardian, with a fit and willing relative, or in some  
other alternative permanent placement, the efforts made to ~~place~~ the juvenile for  
adoption, ~~with a guardian or in some other alternative permanent placement~~ achieve  
that goal.

**SECTION 175.** 938.38 (4) (h) of the statutes is created to read:

**BILL****SECTION 175**

1           938.38 (4) (h) If the juvenile is 15 years of age or over, a description of the  
2 programs and services that are or will be provided to assist the juvenile in preparing  
3 for the transition from out-of-home care to independent living. The description  
4 shall include all of the following:

5           1. The anticipated age at which the juvenile will be discharged from  
6 out-of-home care.

7           2. The anticipated amount of time available in which to prepare the juvenile  
8 for the transition from out-of-home care to independent living.

9           3. The anticipated location and living situation of the juvenile on discharge  
10 from out-of-home care.

11           4. A description of the assessment processes, tools, and methods that have been  
12 or will be used to determine the programs and services that are or will be provided  
13 to assist the juvenile in preparing for the transition from out-of-home care to  
14 independent living.

15           5. The rationale for each program or service that is or will be provided to assist  
16 the juvenile in preparing for the transition from out-of-home care to independent  
17 living, the time frames for delivering those programs or services, and the intended  
18 outcome of those programs or services.

19           **SECTION 176.** 938.38 (5) (a) of the statutes is amended to read:

20           938.38 (5) (a) The court or a panel appointed under ~~this paragraph~~ par. (a)  
21 shall review the permanency plan ~~every in the manner provided in this subsection~~  
22 ~~not later than 6 months from after the date on which the juvenile was first held in~~  
23 ~~physical custody or placed outside of~~ removed from his or her home and every 12  
24 months after a previous review under this subsection for as long as the juvenile is  
25 placed outside the home, except that for the review that is required to be conducted

**BILL**

1 not later than 12 months after the juvenile was first removed from his or her home  
2 and the reviews that are required to be conducted every 12 months after that review  
3 the court shall hold a hearing under sub. (5m) to review the permanency plan, which  
4 hearing may be instead of or in addition to the review under this subsection.

5 (ag) If the court elects not to review the permanency plan, the court shall  
6 appoint a panel to review the permanency plan. The panel shall consist of 3 persons  
7 who are either designated by an independent agency that has been approved by the  
8 chief judge of the judicial administrative district or designated by the agency that  
9 prepared the permanency plan. A voting majority of persons on each panel shall be  
10 persons who are not employed by the agency that prepared the permanency plan and  
11 who are not responsible for providing services to the juvenile or the parents of the  
12 juvenile whose permanency plan is the subject of the review.

13 **SECTION 177.** 938.38 (5) (b) of the statutes is amended to read:

14 938.38 (5) (b) The court or the agency shall notify the parents of the juvenile,  
15 the juvenile, if he or she is 10 years of age or older, and the juvenile's foster parent,  
16 the juvenile's treatment foster parent ~~or~~, the operator of the facility in which the  
17 juvenile is living, or the relative with whom the juvenile is living of the date, time,  
18 and place of the review, of the issues to be determined as part of the review, and of  
19 the fact that they may have an opportunity to be heard at the review by submitting  
20 written comments not less than 10 working days before the review or by  
21 participating at the review. The court or agency shall notify the person representing  
22 the interests of the public, the juvenile's counsel, and the juvenile's guardian ad litem  
23 of the date of the review, of the issues to be determined as part of the review, and of  
24 the fact that they may submit written comments not less than 10 working days before  
25 the review. Any written or oral statement made to the court under this paragraph

## BILL

## SECTION 177

1 by a foster parent, treatment foster parent, operator of a facility in which a juvenile  
2 is living, or relative with whom a juvenile is living shall be made under oath or  
3 affirmation. The notices under this paragraph shall be provided in writing not less  
4 than 30 days before the review and copies of the notices shall be filed in the juvenile's  
5 case record. the first 6 months of any period during which

6 **SECTION 178.** 938.38 (5) (c) 6. (intro.) of the statutes is amended to read:

7 938.38 (5) (c) 6. (intro.) If the juvenile has been placed outside of his or her  
8 home, as described in s. 938.365 (1), for 15 of the most recent 22 months, not including  
9 any period during which the juvenile was a runaway from the out-of-home  
10 placement or the juvenile was returned to his or her home for a trial home visit of 16  
11 months or less, the appropriateness of the permanency plan and the circumstances  
12 which prevent the juvenile from any of the following:

13 **SECTION 179.** 938.38 (5) (c) 6. am. of the statutes is renumbered 938.38 (5) (c)  
14 6. cm. and amended to read:

15 938.38 (5) (c) 6. cm. Being placed in the home of a fit and willing relative of the  
16 juvenile.

17 **SECTION 180.** 938.38 (5) (c) 6. cg. of the statutes is created to read:

18 938.38 (5) (c) 6. cg. Being placed with a guardian.

19 **SECTION 181.** 938.38 (5) (c) 6. d. of the statutes is amended to read:

20 938.38 (5) (c) 6. d. Being placed in some other alternative permanent  
21 placement, including sustaining care, independent living, or long-term foster care.

22 **SECTION 182.** 938.38 (5) (c) 7. of the statutes is amended to read:

23 938.38 (5) (c) 7. Whether reasonable efforts were made by the agency to ~~make~~  
24 ~~it possible for the juvenile to return safely to his or her home, except that the court~~  
25 ~~or panel need not determine whether those reasonable efforts were made with~~

**BILL** *the juvenile's counsel and the juvenile's guardian ad litem;*

**SECTION 182**

1 respect to a parent of the juvenile if any of the circumstances specified in s. 938.355  
2 (2d) (b) 1., 2., 3. or 4. apply to that parent achieve the goal of the permanency plan,  
3 unless return of the juvenile to the home is the goal of the permanency plan and any  
4 of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies.

5 **SECTION 183.** 938.38 (5m) of the statutes is created to read:

6 938.38 (5m) PERMANENCY PLAN HEARING. (a) The court shall hold a hearing to  
7 review the permanency plan and to make the determinations specified in sub. (5) (c)  
8 no later than 12 months after the date on which the juvenile was first removed from  
9 the home and every 12 months after a previous hearing under this subsection for as  
10 long as the juvenile is placed outside the home.

11 (b) Not less than 30 days before the date of the hearing, the court shall notify  
12 the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster  
13 parent or treatment foster parent, the operator of the facility in which the juvenile  
14 is living, or the relative with whom the juvenile is living; the agency that prepared  
15 the permanency plan; and the person representing the interests of the public of the  
16 date, time, and place of the hearing.

17 (c) Any person who is provided notice of the hearing may have an opportunity  
18 to be heard at the hearing by submitting written comments relevant to the  
19 determinations specified in sub. (5) (c) not less than 10 working days before the date  
20 of the hearing or by participating at the hearing. Any written or oral comment made  
21 to the court under this paragraph by a foster parent, treatment foster parent,  
22 operator of a facility in which a juvenile is living, or relative with whom a juvenile  
23 is living shall be made under oath or affirmation. A foster parent, treatment foster  
24 parent, operator of a facility in which a juvenile is living, or relative with whom a  
25 juvenile is living who receives notice of a hearing under par. (b) and an opportunity



**BILL****SECTION 183**

1 to be heard under this paragraph does not become a party to the proceeding on which  
2 the hearing is held solely on the basis of receiving that notice and opportunity to be  
3 heard.

4 (d) At least 5 days before the date of the hearing the agency that prepared the  
5 permanency plan shall provide a copy of the permanency plan and any written  
6 comments submitted under par. (c) to the court, to the juvenile's parent, guardian,  
7 and legal custodian, to the person representing the interests of the public, and to the  
8 juvenile's counsel or guardian ad litem. Notwithstanding s. 938.78 (2) (a), the person  
9 representing the interests of the public and the juvenile's counsel or guardian ad  
10 litem may have access to any other records concerning the juvenile for the purpose  
11 of participating in the review. A person permitted access to a juvenile's records under  
12 this paragraph may not disclose any information from the records to any other  
13 person.

14 (e) After the hearing, the court shall make written findings of fact and  
15 conclusions of law relating to the determinations under sub. (5) (c) and shall provide  
16 a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's  
17 parent, guardian, and legal custodian; the juvenile's foster parent or treatment foster  
18 parent, the operator of the facility in which the juvenile is living, or the relative with  
19 whom the juvenile is living; the agency that prepared the permanency plan; and the  
20 person representing the interests of the public. The court shall make the findings  
21 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to  
22 the juvenile and shall document or reference the specific information on which those  
23 findings are based in the findings of fact and conclusions of law prepared under this  
24 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)  
25 7. without documenting or referencing that specific information in the findings of fact

**BILL**

1 and conclusions of law or amended findings of fact and conclusions of law that  
2 retroactively correct earlier findings of fact and conclusions of law that do not comply  
3 with this paragraph are not sufficient to comply with this paragraph.

4 (f) If the findings of fact and conclusions of law under par. (e) conflict with the  
5 juvenile's dispositional order or provide for any additional services not specified in  
6 the dispositional order, the court shall revise the dispositional order under s. 938.363  
7 or order a change in placement under s. 938.357, as appropriate.

8 **SECTION 184.** 938.78 (2) (a) of the statutes is amended to read:

9 938.78 (2) (a) No agency may make available for inspection or disclose the  
10 contents of any record kept or information received about an individual in its care  
11 or legal custody, except as provided under sub. (3) or s. 938.371, 938.38 (5) (b) or (d)  
12 or (5m) (d), or 938.51 or by order of the court.

13 **SECTION 185. Nonstatutory provisions.**

14 (1) **RELATIVE PLACEMENT PERMANENCY PLANS.**

15 (a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for  
16 children or juveniles who are living in the home of a relative, as defined in section  
17 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under  
18 section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32  
19 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on  
20 the day before the effective date of this paragraph, the agency assigned primary  
21 responsibility for providing services to those children or juveniles shall file a  
22 permanency plan with that court with respect to not less than 33% of those children  
23 or juveniles by July 1, 2002, with respect to not less than 67% of those children or  
24 juveniles by September 1, 2002, and with respect to all of those children or juveniles

**BILL****SECTION 185**

1 by November 1, 2002, giving priority to those children or juveniles who have been  
2 living in the home of a relative for the longest period of time.

3 (b) The agency shall request the court assigned to exercise jurisdiction under  
4 chapters 48 and 938 of the statutes, as affected by this act, to make a finding under  
5 section 48.363 or 938.363 of the statutes that reasonable efforts have been made to  
6 prevent the removal of the child or juvenile from the home or that those efforts are  
7 not required to be made because a circumstance specified in section 48.355 (2d) (b)  
8 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the  
9 statutes, as affected by this act, applies, not more than 60 days after the date on  
10 which the permanency plan is filed.

11 (c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act,  
12 section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the  
13 statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created  
14 by this act, a permanency plan filed under this subsection shall be reviewed within  
15 6 months after the date on which the permanency plan is filed and a permanency  
16 plan hearing shall be had to review a permanency plan filed under this subsection  
17 within 12 months after the date on which the permanency plan is filed.

**SECTION 186. Initial applicability.**

18 (1) JUVENILE COURT ORDERS. The treatment of sections 48.21 (5) (b) 1. and 3., (c),  
19 and (d), 48.355 (2) (b) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1., 2., 3., 4., and 5. and (bm),  
20 and (4), 48.357 (6), 48.365 (2m) (ag) and (5), 48.977 (2) (f), 938.21 (5) (b) 1. and 3., (c),  
21 and (d), 938.32 (1) (c) and (d), 938.355 (2) (h) 6. and 6r., (2c) (b), (2d) (b) (intro.), 1.,  
22 2., 3., 4., and 5. and (bm), (4) (a) and (b), (6) (a), and (6m) (cm), 938.357 (6), and  
23 938.365 (2m) (ag) and (5) of the statutes, the renumbering and amendment of  
24 sections 48.32 (1), 48.355 (2d) (c), 48.365 (2m) (a), 938.355 (2d) (c), and 938.365 (2m)  
25

**BILL**

1 (a) of the statutes, and the creation of sections 48.32 (1) (b) and (c), 48.355 (2d) (c) 2.  
2 and 3., 48.365 (2m) (a) 2. and 3. and (ad), 938.355 (2d) (c) 2. and 3., and 938.365 (2m)  
3 (a) 2. and 3. and (ad) of the statutes first apply to a physical custody order, consent  
4 decree, dispositional order, change in placement order, extension order, sanction  
5 order, or guardianship order entered on the effective date of this subsection.

6 (2) JUVENILE COURT REPORTS. The treatment of sections 48.33 (4) (intro.) and (c),  
7 48.365 (1) and (2g) (b) 2. and 3., 938.33 (4) (intro.) and (c), and 938.365 (1) and (2g)  
8 (b) 2. and 3. of the statutes first applies to reports filed with the court assigned to  
9 exercise jurisdiction under chapters 48 and 938 of the statutes on the effective of this  
10 subsection.

11 (3) JUVENILE COURT HEARINGS. The treatment of sections 48.21<sup>✓</sup> (1) (a) and (3)  
12 (am) and ~~48.27~~ 48.27 (3) (a) 1m., 48.335 (3g), 48.42 (2g) (am), 48.427 (1m), 938.21 (1)  
13 (a), (2) (am) and ~~(b)~~, and (3) (am) and ~~(b)~~ 938.27 (3) (a) 1m., and 938.335 (3g) of the  
14 statutes first applies to hearings held by the court assigned to exercise jurisdiction  
15 under chapters 48 and 938 of the statutes on the effective of this subsection.

16 (4) PERMANENCY PLAN CONTENTS. The treatment of sections 48.38 (4) (intro.), (a),  
17 (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) and 938.38 (4)  
18 (intro.), (a), (ag), (am), (bm), (dg), (dm), (dr), (e), (f) (intro.), (fg), (fm), and (h) of the  
19 statutes first applies to permanency plans filed on the effective date of this  
20 subsection.

21 (5) PERMANENCY PLAN REVIEWS AND HEARINGS. The treatment of sections 48.38  
22 (5) (a), (b), and (c) 6. (intro.), am., cg., and d. and 7. and (5m) and 938.38 (5) (a), (b),  
23 and (c) 6. (intro.), am., cg., and d. and 7. and (5m) of the statutes first applies to  
24 permanency plan reviews and hearings for which notice is provided on the effective  
25 date of this subsection.

**BILL****SECTION 186**

1 (6) CHANGES IN PLACEMENT. The treatment of sections 48.357 (2) and (2r) and  
2 938.357 (2), (2r), (3), (4) (b) 2., (c) 1. and 2., and (d), and (5) (a) of the statutes, the  
3 renumbering and amendment of sections 48.357 (1), (2m), and (2v) and 938.357 (1),  
4 (2m), and (2v) of the statutes, and the creation of sections 48.357 (1) (b) 3., and (c),  
5 (2m) (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) and 938.357 (1) (b) 3. and (c), (2m)  
6 (c), and (2v) (a) (intro.), 1., and 3., (b), and (c) of the statutes first apply to changes  
7 in placement requested or proposed on the effective date of this subsection. and (3)

8 (7) TIME LIMITS. The treatment of sections 48.315 (2m) and 938.315 (2m) of the  
9 statutes first applies to continuances and extensions granted, and periods of delay  
10 that begin, on the effective date of this subsection.

11 (8) JUVENILE COURT PETITIONS. The treatment of sections 48.255 (1) (f), (1m) (f),  
12 and (2) and 938.255 (1) (f) and (2) of the statutes first applies to petitions filed with  
13 the court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes  
14 on the effective date of this subsection.

15 (END)

SECTION 938.315 (3) AM; 938.315 (3)

938.315 (3) Failure to comply with any time limit specified in this chapter does not deprive the court of personal or subject matter jurisdiction or of competency to exercise that jurisdiction. Failure to object to a period of delay or a continuance waives the time limit that is the subject of the period of delay or continuance. If a party does not comply with a time limit specified in this chapter, the court, while assuring the safety of the juvenile, may grant a continuance under sub. (2), dismiss the petition with or without prejudice, release the juvenile from secure or nonsecure custody or from the terms of a custody order, or grant any other relief that the court considers appropriate.

32. Page 63, line 14: after "(d)" insert "or (4d)".

33. Page 83, line 6: after "earlier" insert "except that in the case of a juvenile who on removal from his or her home was first placed in a secure detention facility, a secured correctional facility, a secured child caring institution, or a secured group home for 60 days or more and then moved to a nonsecured out-of-home placement, the juvenile is considered to have been placed outside of his or her home on the date on which the juvenile was moved to the nonsecured out-of-home placement".

34. Page 83, line 21: after "placement or" insert "the first 6 months of any period during which".

35. Page 83, line 22: delete "of 6 months or less".

36. Page 91, line 6: delete that line and substitute "plan. If a goal of the permanency".

37. Page 91, line 11: delete "determine the" and substitute "determine".

(ed & insert)

~~Report~~ 83-61

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(ed first)

**Emery, Lynn**

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**From:** Austin, David  
**Sent:** Thursday, February 21, 2002 1:47 PM  
**To:** LRB.Legal  
**Subject:** jacket request

Dear LRB:

Please jacket LRB 4892/4 for jacketing in the Senate. The jacket should be sent to Senator Robson.

Thanks,

David Austin  
Senator Robson's office